

REMARKS

Claims 1-21 are pending in the present application. In the Office Action mailed on May 1, 2006, the Examiner took the following action: (1) withheld entry of the terminal disclaimer filed on February 16, 2006 because it was improperly failed to reference Application 10/811,771, which forms a portion of the double patenting rejection of claims 1-21; (2) rejected claims 1-21 under 35 U.S.C. §102(b) as being anticipated by Dallmann (U.S. 5,322,244). Claims 1-2, 8-10, and 16-17 have been amended. Applicants respectfully request entry of the above-proposed amendments, and reconsideration of the application in view of the foregoing amendments and the following remarks.

I. Objection to the Terminal Disclaimer

The terminal disclaimer filed on February 16, 2006 was withheld from entry by the Examiner because it was improperly failed to reference Application 10/811,771. Applicants have enclosed a proper terminal disclaimer with this Response. Accordingly, applicants respectfully request reconsideration and entry of the proper terminal disclaimer to overcome the double patenting rejection of claims 1-21.

II. Rejections under 35 U.S.C. §102(a)

Claims 1-21 are rejected under 35 U.S.C. §102(b) as being anticipated by Dallmann. Respectfully, applicants traverse the rejections, and submit the claims are allowable over the cited reference for the reasons explained in detail below.

Dallmann (U.S. 5,322,244)

Dallmann teaches a supply conveying system for passenger aircraft. (2:30-33). The system allows catering containers to be loaded into the cargo hold and positioned in vertical alignment with a supply distribution and work cabin in the passenger deck. (2:32-36).

Claims 1-5, and 10

Claim 1, as amended, recites an assembly, comprising: a support structure including a plurality of elongated support beams; a floor assembly including a plurality of elongated engagement members coupled to the support structure, the engagement members being spaced apart and mostly parallel, each engagement member including an upwardly-facing engagement surface; and a payload assembly including a payload component positioned proximate to the floor assembly; at least one payload support coupled to the payload component and engaged with at least some of the engagement surfaces of the engagement members, the payload support being adapted to transfer loads from the payload component to the floor assembly and being moveable with the payload component relative to the floor assembly, and wherein the payload support includes at least one of an intercostal and a structural beam member that spans between a pair of upwardly-facing engagement surfaces of adjacent engagement members. Applicants respectfully assert that claim 1, as amended, is patentable over the cited reference to Dallmann for at least the following reasons.

Applicants respectfully submit that Dallmann does not teach “an assembly comprising *a support structure including a plurality of elongated support beams*; a floor assembly including a plurality of *elongated engagement members coupled to the support structure*, the engagement members being spaced apart and mostly parallel, each engagement member including an upwardly-facing engagement surface.” (emphasis added). Instead, as depicted in Figure 6 and stated in the specification of Dallmann, Dallmann merely teaches a rail grid structure 13 that rests in or on a solid *floor 10*.

The relevant portion of Dallmann states, “Figs 6 and 7 show further details of the horizontal conveyor system 7 comprising a rail grid structure 13 in which junction or crossing switches 14 are so arranged that the carts 9 can either be moved in the X-direction or in the Y-direction *on the floor 10*. The rail grid structure may be supported *in or on the floor 10*.” (emphasis added). (Dallmann, Figure 6, 51-55). Moreover, further support that the rail grid structure 13 of Dallmann rests in or on a *unitary* floor 10 is present in the alternative embodiment shown in Figure 12. Figure 12 depicts floors 10 as solid structures embedded with horizontal conveying systems 7C and 7D for transporting standardized packages 31. (Dallmann, Figure 12, 7:67-8:7). Accordingly, Dallmann cannot teach a support structure including a plurality of elongated support members, as recited in claim 1.

Dallmann also does not teach or fairly suggest a payload support that “*includes at least one of an intercostal and a structural beam member that spans between a pair of upwardly-facing engagement surfaces of adjacent engagement members*” as recited in claim 1. As shown and described in the above-referenced portions of Dallmann, Dallmann does not teach or suggest these additional structural limitations.

Therefore, applicants respectfully submit that the cited reference to Dallmann does not anticipate the assembly recited in claim 1. As a result, claim 1 is allowable. Furthermore, since claims 2-7 depend from claim 1, they are also allowable over the cited reference to Dallmann for the same reason claim 1 is allowable, as well as for additional limitations recited in those claims.

With respect to amended claim 2, applicants respectfully submit that in addition to being allowable due to its dependency on claim 1, claim 2 is also allowable over the cited reference to Dallmann for at least one additional reason.

Claim 2, as amended, recites the assembly of Claim 1, wherein the *payload support includes at least one of a structured payload floor panel, an intercostal, and a structural beam member*, and wherein the payload support spans from the payload component to at least one attachment point to and over a central load carrying axis of one or more engagement members.

(emphasis added). In contrast, Dallmann teaches a transport cart 9 that is structurally and functionally different from a structured payload floor panel, an intercostal, and a structural beam member. Therefore, claim 2 is also further allowable over the cited reference to Dallmann due to its additional limitation.

Lastly, with respect to amended claim 8, applicants respectfully submit that in addition to being allowable due to its dependency on claim 1, claim 8 is also allowable over the cited reference to Dallmann for at least one additional reason.

Claim 8, as amended, recites the assembly of Claim 1, wherein *each of the engagement surfaces is disposed on top of the engagement member and coupled to the payload assembly.* (emphasis added). In contrast, Dallmann teaches a rail system 13 where an engagement surface, rather being disposed on top of the engagement member, is located within the cavity of a member of the rail system 13. As depicted in Figure 6 and stated in the relevant portion of Dallmann, "...roller 8 (of the transport cart 9) *engage* roller 10C (of the rail system 13) *in the* rail system 13. (emphasis added). (Dallmann, Figure 6, 5:65-67). Therefore, Dallmann does not teach an engagement surface that is disposed on top of the engagement member, as recited in claim 8. Furthermore, even if the top surface of rail system 13 (the surface of the rail system 13 that is coplanar with the top surface of floor 10) is construed as an engagement surface, Dallmann does not teach that this surface is *coupled* to transport cart 9. (Dallmann, Figure 6). Therefore, claim 8 is also further allowable over the cited reference to Dallmann due to its additional limitation.

Claims 9-16

Claim 9, as amended, recite an aircraft, comprising: a fuselage operatively coupled to an airframe; a propulsion system operatively coupled to the airframe; *a support structure including a plurality of elongated support members coupled to the air frame*; a floor assembly disposed within the fuselage and coupled to the airframe support structure, the floor assembly including a plurality of elongated engagement members coupled to the airframe support structure, the

engagement members being spaced apart and approximately parallel, each engagement member including an upwardly-facing engagement surface; and a payload assembly including a payload component positioned proximate the floor assembly; at least one payload support coupled to the payload component and engaged with at least some of the engagement surfaces of the engagement members, the payload support being adapted to transfer loads from the payload component to the floor assembly and being moveable with the payload component relative to the floor assembly, and *wherein the payload support includes at least one of an intercostal and a structural beam member that spans between a pair of upwardly-facing engagement surfaces of adjacent engagement members.* (emphasis added).

Applicants respectfully submit that Dallmann, for the reasons already discussed above, does not teach or suggest, “An aircraft comprising *a support structure including a plurality of elongated support members* coupled to the air frame ... and *wherein the payload support includes at least one of an intercostal and a structural beam member that spans between a pair of upwardly-facing engagement surfaces of adjacent engagement members.*” Accordingly, applicants respectfully submit that the cited reference to Dallmann does not anticipate the assembly recited in claim 9. Furthermore, since claims 10-16 depend from claim 9, they are also allowable over the cited reference to Dallmann for the same reason claim 1 is allowable, as well as for additional limitations recited in those claims. The additional limitations of amended claims 10 and 16, which further contribute to their allowability, are discussed below.

As amended, claim 10 recites an aircraft of claim 9, wherein the payload support includes at least one of *a structured payload floor panel, an intercostal, and a structural beam member*, and wherein the payload support spans from the payload component to at least one attachment point to and over a central load carrying axis of one or more engagement members. (emphasis added). Applicants respectfully submit that, for the reasons already discussed above, Dallmann does not teach this additional limitation. Therefore, claim 10 is also further allowable over the cited reference to Dallmann.

As amended, claim 16 recited an aircraft of claim 9, wherein *each of the engagement surfaces is disposed on top of the member and coupled to the payload assembly.* (emphasis added). Applicants respectfully submit that, for the reasons already discussed above, Dallmann does not teach this additional limitation. Therefore, claim 16 is also further allowable over the cited reference to Dallmann.

Claim 17-21

Claim 17, as amended, recites a method of securing a payload to a support structure, comprising: *providing a support structure including a plurality of elongated support beams; coupling a plurality of elongated engagement members of a floor assembly to the support structure,* the engagement members being spaced apart and approximately parallel, each engagement member including an upwardly-facing engagement surface; and providing a payload assembly including a payload component and a payload support coupled to the floor assembly, the payload support being engaged with at least some of the engagement surfaces of the engagement members of the floor assembly and being moveable with the payload component relative to the engagement members, the payload support including at least one of an intercostal and a structural beam member that spans between a pair of the upwardly-facing engagement surfaces of adjacent engagement members; and at least partially transmitting loads from the payload component through the payload support to at least some of the engagement members, *including transmitting loads through the at least one of the intercostal and the structural beam member to the to the upwardly-facing engagement surfaces of adjacent engagement members.* (emphasis added).

Applicants respectfully submit that Dallmann does not teach “a method of securing a payload to a support structure, comprising: *providing a support structure including a plurality of elongated support beams; coupling a plurality of elongated engagement members of a floor assembly to the support structure ... and at least partially transmitting loads ... including*

transmitting loads through the at least one of the intercostal and the structural beam member to the to the upwardly-facing engagement surfaces of adjacent engagement members.” (emphasis added). Instead, as depicted in Figure 6 and stated in the specification of Dallmann, Dallmann merely teaches a method of loading cargo that includes providing a rail grid structure 13 that rests on a solid *floor 10*.

The relevant portion of Dallmann states, “Figs 6 and 7 show further details of the horizontal conveyor system 7 comprising a rail grid structure 13 in which junction or crossing switches 14 are so arranged that the carts 9 can either be moved in the X-direction or in the Y-direction *on the floor 10*. The rail grid structure may be supported *in or on the floor 10*.” (emphasis added). (Dallmann, Figure 6, 51-55). Moreover, further support that the rail grid structure 13 of Dallmann rests in or on a *unitary* floor 10 is present in the alternative embodiment show in Figure 12. Figure 12 depicts floors 10 as solid structures embedded with horizontal conveying systems 7C and 7D for transporting standardized packages 31. (Dallmann, Figure 12, 7:67-8:7). Accordingly, Dallmann cannot teach a method of securing payload to a support structure that comprises providing a support structure including a plurality of elongated support members, as recited in claim 1.

Therefore, applicants respectfully submit that the cited reference to Dallmann does not anticipate the method recited in claim 17. As a result, claim 17 is allowable over the cited reference to Dallmann. Furthermore, since claims 18-21 depend from claim 17, they are also allowable over the cited reference to Dallmann for the same reason claim 17 is allowable, as well as for additional limitations recited in those claims.

CONCLUSION

Applicants respectfully request that the above-proposed amendments be entered and that pending claims 1-21 be allowed. If there are any remaining matters that may be handled by telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

Respectfully Submitted,

Dated: July 31, 2006

By: Dale C. Barr
Dale C. Barr
Lee & Hayes, PLLC
Reg. No. 40,498
(206) 315-7916

Enclosures:

Terminal Disclaimer